

JAJ:DMB

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-09-843

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(T. 18, U.S.C. § 922(g)(1))

KYLE BRODERICK,
also known as "Shoeshine,"

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

ANTHONY GRUBISIC, being duly sworn, deposes and says that he is a special agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, on or about August 13, 2009, within the Eastern District of New York, the defendant KYLE BRODERICK, also known as "Shoeshine," having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit: a .40 caliber Glock 22 semi-automatic pistol.

(Title 18, United States Code, Section 922(g)(1)).

The source of your deponent's information and the grounds for his belief are as follows:

1. I have been a Special Agent with the FBI since 2003. Prior to that, I was a Chicago Police Department officer for approximately nine years. I am familiar with the facts contained in this affidavit as a result of my participation in the investigation of the events discussed below, including, but not limited to, my discussions with other law enforcement officers, interviews with witnesses, and review of law enforcement reports and records. Because the purpose of this affidavit is merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances of which I am aware. Where statements of others are set forth herein, they are set forth in substance and in part.

2. On or about August 13, 2009, at approximately 6:00 a.m., Officer David Lambert and other members of the New York City Police Department ("NYPD") executed a search warrant, issued by a justice of Kings County Supreme Court, at the third-floor apartment of 142 Weirfield Street in Brooklyn, New York (the "apartment"), which is a three-story brick building. The apartment occupies the entire third floor of the building, and has front windows facing Weirfield Street and rear windows facing a back yard. Officer Lambert was assigned to watch the front of the building to observe whether anyone attempted to flee the building or any contraband was thrown from the front windows.

3. At approximately the same time as the NYPD officers entered the apartment, Officer Lambert observed the defendant KYLE BRODERICK come to one of the front windows and throw a black bag out of the window. The bag landed on the sidewalk of Weirfield Street. Upon further inspection, the bag contained rice and 37 glassine bags containing a brown tarry substance. Subsequent analysis by the NYPD laboratory revealed that the substance contained 51 milligrams of heroin.

4. Meanwhile, the officers entered the apartment upstairs and encountered and arrested two individuals in the apartment. They arrested the defendant KYLE BRODERICK in the bedroom facing Weirfield Street. They arrested another individual in a different bedroom facing the back yard.

5. Officer Lambert then entered and searched the apartment. The apartment had three bedrooms. In the first bedroom, in which the defendant KYLE BRODERICK was arrested, Officer Lambert observed, among other items, a bed and packages of folded clean laundry in clear plastic bags. In the second bedroom, in which the other individual was arrested, Officer Lambert observed bedroom furniture including, among other items, a bed. The second bedroom did not contain any clear plastic bags of laundry. In the third bedroom, Officer Lambert observed no furniture other than two dressers, one larger than the other.

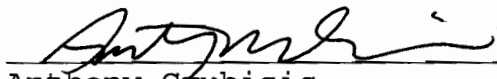
The larger dresser was empty. The smaller dresser contained a plate in a drawer. Also in the third bedroom, Officer Lambert observed a clear plastic bag of folded laundry similar to the bags located in the bedroom in which the defendant was arrested.

6. Officer Lambert then moved the smaller dresser to the side and observed that there was a cut out floor panel. Officer Lambert removed the floor panel and observed a trap location under the floorboards. In the trap location, Officer Lambert recovered a .40 caliber Glock 22 semi-automatic pistol; three scales; a quantity of mixed-caliber ammunition; and two magazines. The Glock was loaded with one round in the chamber.

7. The defendant KYLE BRODERICK is currently being held in state custody. I have reviewed criminal history records for the defendant, which reveal that has at least four felony convictions, including a conviction on June 28, 1999 for attempted robbery in the first degree in Kings County Supreme Court.

8. I have also spoken with an ATF interstate nexus expert who informs me that the above-mentioned .40 caliber Glock 22 pistol was manufactured outside the State of New York.

WHEREFORE, your deponent respectfully requests that a warrant issue for the arrest of the defendant KYLE BRODERICK so that he may be dealt with according to law.



Anthony Grubisic
Special Agent, FBI

Sworn to before me this
18th day of August, 2009

~~THE HONORABLE JOHN D. ...~~
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK